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Diana T Fritz 02/06/2007 11:52:56 AM From DB/Inbox: Search Results

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Text:

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SIPDIS
TELEGRAM

August 09, 2004

To: No Action Addressee
Action: Unknown
From: AMEMBASSY ABU DHABI (ABU DHABI 2638 - UNKNOWN)
TAGS: PREL, PTER, PGOV
Captions: None
Subject: UAEG RESPONDS TO MLAT PROPOSAL
Ref: None

UNCLAS ABU DHABI 02638

SIPDIS
CXABU:
ACTION: POL
INFO: DCM P/M ECON RSO AMB

DISSEMINATION: POL
CHARGE: PROG

APPROVED: CDA:RALBRIGHT
DRAFTED: POL:SRADDANT
CLEARED: ECON:OJOHN

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OO RUEHC RUEAWJA RUEHDE
DE RUEHAD #2638/01 2221151
ZNR UUUUU ZZH
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FM AMEMBASSY ABU DHABI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5414
INFO RUEAWJA/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE
RUEHDE/AMCONSUL DUBAI 4209

UNCLAS SECTION 01 OF 02 ABU DHABI 002638

SIPDIS

STATE FOR L/LEI AND NEA/ARP
DOJ FOR OFFICE OF INTERNATIONAL AFFAIRS

E.O. 12958: N/A
TAGS: [PREL](#) [PTER](#) [PGOV](#) [TC](#)
SUBJECT: UAEG RESPONDS TO MLAT PROPOSAL
REF: STATE 4881

11. This message contains an action request - see paragraph 4.

12. SUMMARY: Post received on August 1 the UAEG's response to the Embassy's January 24, 2004 letter requesting the UAEG to move forward with Mutual Legal Assistance Treaty (MLAT) talks without linking it to other negotiations. The UAEG opposes resuming MLAT discussions without opening parallel negotiations on extradition and prisoner transfer treaties. Also, the UAEG has rejected our suggestion to join the Council of Europe's Multilateral Prisoner Transfer Treaty. The UAEG has agreed to not pursue bilateral discussions on civil and commercial cooperation, per our January request. However, it won't budge when it comes to cooperation on criminal affairs. The letter requests opening three negotiations, namely, the MLAT, extradition, and prisoner

transfer treaties, as soon as possible. END SUMMARY.

13. Following is Post's unofficial translation of the text:

(BEGIN TEXT) We would like to thank you for your interest in discussing a bilateral mutual legal assistance treaty, which will enhance friendly relations between our two governments. We are honored to send to your Excellency our response to your letter dated 24 January 2004.

In relation to mutual assistance in criminal matters

We agree completely with what has been mentioned in your letter regarding reasons for the importance of holding bilateral talks in mutual legal assistance in criminal matters between our countries at the nearest opportunity.

In relation to extradition

We believe that reaching a bilateral agreement on the extradition of criminals is as important as a mutual legal assistance treaty in criminal matters, and even more important for the following reasons:

- a. There have been several requests from U.S. authorities for the extradition of charged or sentenced people by American courts. We find it hard to respond to many of them, due to non-existence of a bilateral extradition treaty between our countries.
- b. Reaching a bilateral extradition agreement will eliminate the repetitious objections by human rights organizations on procedures that might be taken against some people, which violate their rights without any legal support.
- c. As for the difficulties you mentioned with regard to double criminalization and different punishments between our countries, these are all problems that can be easily resolved when we discuss the agreement's articles.

In relation to a prisoner transfer treaty

To say that it is possible for the UAE to join the Council of Europe's Multilateral Prisoner Transfer Treaty is not an easy issue. There are several legal, political, and practical obstacles to joining this Council. It is difficult for a country outside the European Council (EC) to join except by an invitation extended by the ministerial committee of the concerned countries and after consulting with parties of the Council, and it should be based on a decision by the majority of EC countries, as well as on a unified consensus from member countries of the ministerial committee. These long and complicated procedures make it difficult for us to join.

In addition to that, and according to Article 18 (1) of the Treaty, the latter is open for signature only by EC member countries, and non-member countries that participated in forming the Council such as the U.S. In this regard, we point out that the UAE did not participate in the preparatory procedures for this Council.

The mentioned Council has been established under the umbrella of the EC for the purpose of achieving more cooperation between its members, and for this reason it has a European color. To join this agreement, the UAE will be required to join other related European agreements. Since there is no representation for the UAE in the EC or the EU, this will form a major obstacle towards the UAE's participation in everything related to cooperation, application, and effective execution of the agreement.

As a party in the Council of Europe's Multilateral Prisoner Transfer Treaty, the U.S. is not prohibited from holding bilateral agreements on this issue according to Article 22 of the Treaty.

We prefer to hold a bilateral agreement on this issue similar to agreements between the U.S. and several other countries, such as France, Turkey, and Mexico.

In relation to civil and commercial cooperation

In relation to civil and commercial cooperation, and looking at what obstacles this issue brings up as per your letter, we do not see a necessity to continue discussions on this issue.

In relation to cooperation on criminal matters, we prefer not to segregate them from negotiation of the three aforementioned subjects, which are: the mutual legal assistance in criminal matters, the extradition of criminals, and prisoner transfers.

We hope to start negotiating these three agreements soon. We also see the possibility of answering your request to hold detailed agreements around them, to be negotiated side by side. There is no doubt that settling these agreements will develop and enhance the existing friendship and cooperation between our countries and enhance the legal and judicial cooperation between us so that it rises to the required level. (END TEXT)

¶4. ACTION REQUEST: Post requests L/NEA review the MFA letter and suggest a course of action and/or provide us a response we can convey to the UAEG. As the UAE remains fixed on an extradition treaty, L may want to consider a visit in the fall to discuss with senior UAEG officials our desire to proceed with an MLAT and the reasons why we cannot proceed simultaneously with an extradition treaty.

ALBRIGHT